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## VIA ELECTRONIC MAIL AND U.S. FIRST CLASS MAIL

Thomas Krueger, Esq.
Associate Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590

Re: Ellsworth Industrial Park Site, Downers Grove, Illinois Wisconsin Avenue Property L.L.C.

Dear Mr. Krueger:

As we discussed yesterday, our client Wisconsin Avenue Property L.L.C. (the "Company") has learned within the last few days that William Helwig and Scot, Inc., two of the potentially responsible parties ("PRPs") involved in the Ellsworth Industrial Park in Downers Grove, Illinois (the "Ellsworth Site"), are in the process of serving the Company with third party complaints in litigation arising out of environmental conditions at the Ellsworth Site. We have previously submitted two letters dated March 3, 2005 and April 14, 2005 to you containing information establishing that the Company is an innocent purchaser (and therefore not a PRP) with respect to the site it owns at 2424 Wisconsin Avenue (included within the Ellsworth Site) and requesting that the U.S. Environmental Protection Agency ("USEPA") confirm its agreement that the Company is not a PRP. In our letter dated April 14, 2005, the Company also requested in the alternative (while reserving its rights as an innocent purchaser) that USEPA enter into a *de minimis* landowner settlement with the Company pursuant to Section 122(g)(1)(B) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(g)(1)(B).

In our previous discussions concerning the Company's submissions, you have indicated that the Company has made very strong cases in support of its innocent purchaser status and alternatively in support of a *de minimis* landowner settlement. You have also indicated that

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USEPA has been involved in complex and protracted negotiations with the PRPs concerning the performance of the Remedial Investigation/Feasibility Study (the "RI/FS") for the Ellsworth Site and that USEPA might not be able to take formal action in response to the Company's submissions before the completion of those negotiations. However, you also indicated that any information indicating the imminent filing of litigation against the Company relating to the Ellsworth Site would very likely accelerate the date of USEPA's response to the Company's submissions. In view of the Company's information that it will, within the next few days, be served with third party complaints filed by the two PRPs named above, the need for prompt response from USEPA is pressing. Further, USEPA's assistance in facilitating early resolution of these issues with the Company will be consistent with USEPA policy to minimize litigation against parties who are not responsible or liable under CERCLA or who are otherwise eligible for *de minimis* settlements.

We look forward to your early response to this letter to support the Company in its efforts to avoid or minimize any involvement in litigation to which it is not properly a party. The Company reaffirms its commitment to cooperate with USEPA to resolve these matters at the earliest possible date.

Very truly yours

Timothy Ramsey